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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,669	09/26/2001	Benoit Patrick Bertrand	05222.00173	2989
29638	7590	03/15/2005	EXAMINER	
BANNER & WITCOFF AND ATTORNEYS FOR ACCENTURE 10 S. WACKER DRIVE, 30TH FLOOR CHICAGO, IL 60606			BELL, MELTIN	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/868,669

Applicant(s)

BERTRAND ET AL.

Examiner

Meltin Bell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2004 and 04 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/4/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to application **09/868,669** filed 09/26/2001 as well as the Amendment Submitted/Entered with Filing of CPA/RCE filed 12/29/04 and Information Disclosure Statement (IDS) filed May 4, 2004. Claims 1-17 and 19-20 filed by the applicant have been entered and examined. Claim 18 has been canceled. An action on the merits of claims 1-17 and 19-20 appears below.

Priority

Acknowledgment is made of applicant's claim for priority based on application 09/218,726 filed in the United States on **12/22/98**.

Claim Rejections - 35 USC § 103

Applicant's arguments have been fully considered but are moot in view of new grounds of rejection. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Office presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were

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made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Office to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 1-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Purcell, Jr.* USPN 5,727,161 "Method and apparatus for graphic analysis of variation of economic plans" (March 10, 1998) in view of *Cook et al* W.I.P.O. International Publication Number WO 97/44766 A1 "AGENT BASED INSTRUCTION SYSTEM AND METHOD" (November 27, 1997) and in further view of *Rice et al* USPN 5,788,504 "Computerized training management system" (Aug. 4, 1998).

Regarding claim 1:

Purcell, Jr. teaches,

- (a) presenting information indicative of a goal in a spreadsheet format (Figs. 7, 15, 19, 22, 34, 46)
- (b) analyzing the spreadsheet format and translating the information into a presentation model (Abstract, "Graphic analyses are...to what-if possibilities")
- (c) integrating information that motivates accomplishment of the goal into the presentation model (column 3, lines 12-22, "The software further...the input data")
- (d) managing information flow utilizing a table of components (column 11, lines 55-65, "Each spreadsheet page...numbers of cells")

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However, *Purcell, Jr.* doesn't explicitly teach (a) presenting information indicative of a goal in a spreadsheet format, the goal being associated with a training objective of a student, the training objective corresponding to mirroring an actual work environment of the student or (e) evaluating progress toward the goal and providing feedback that further motivates accomplishment of the goal while *Cook et al* teaches,

- (e) evaluating progress toward the goal and providing feedback that further motivates accomplishment of the goal (page 10, lines 24-31, "A further important... student's pedagogic characteristics")

- receiving information indicative of a goal, the goal being associated with a student in a specific task (Fig. 4)

- integrating information that motivates accomplishment of the goal for use in a presentation (page 8, lines 1-15, "it accepts data... appropriate candidate behaviors")

Rice et al teaches,

- (a) the goal (column 2, lines 8-21, "Again, separate from ... body of information") being associated with a training objective of a student, the training objective corresponding to mirroring an actual work environment of the student (column 11, lines 50-60, "Referring to FIG. 15 ... and or exams")

Motivation – The portions of the claimed method would have been a highly desirable feature in this art for individualizing student instruction (*Cook et al*, Abstract, sentence 1, "This invention relates... computer assisted instruction") and generating training materials which include tasks, performance objectives, learning objectives and test items (*Rice et al*, column 3, lines 36-39, "It is also ... and test items"). Therefore, it

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would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Purcell, Jr.* as taught by *Cook et al* and *Rice et al* for the purpose of individualizing student instruction as well as generating training materials.

Regarding claim 2:

The rejection of claim 2 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references . Claim 2's further limitations are taught in *Cook et al*:

- the step of instantiating a component from the table of components to measure progress toward the goal based on the presentation model (page 20, lines 15-23, "Teachers and administrators...even one student")

Regarding claim 3:

The rejection of claim 3 is similar to that for claim 2 as recited above since the stated limitations of the claim are set forth in the references . Claim 3's further limitations are taught in *Cook et al*:

- the step of instantiating a component from the table of components to interrupt and interview a student to obtain information to measure progress toward the goal and determine appropriate feedback based on the presentation model (page 20, lines 4-12, "the student can...or remediation materials").

Regarding claim 4:

The rejection of claim 4 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references . Claim 4's further limitations are taught in *Cook et al*:

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- instantiating a component from the table of components to analyze progress and determine appropriate feedback based on the presentation model (page 124, lines 2-12, "These named display...to generate displays")

Regarding claim 5:

The rejection of claim 5 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references . Claim 5's further limitations are taught in *Cook et al*:

- the step of instantiating a component from the table of components to evaluate options and present appropriate feedback to assist a student to achieve the goal based on the presentation model (page 63, lines 1-16, "the ABI system...of task scheduling"; page 124, lines 2-12, "These named display...to generate displays")

Regarding claim 6:

The rejection of claim 6 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references . Claim 6's further limitations are taught in *Cook et al*:

- instantiating a component from the table of components to simulate a business application based on the presentation model (page 12, lines 3-10, "An object of... computer-assisted instruction systems"; page 47, lines 22-34, "The ABI system...performance and utilization"; page 109, Table 3; page 124, lines 2-12, "These named display...to generate displays")

Regarding claim 7:

The rejection of claim 7 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references . Claim 7's further limitations are taught in *Cook et al*:

- instantiating a component from the table of components to interact with a quantitative analysis model to perform what-if analysis based on the presentation model (page 124, lines 2-12, "These named display... to generate displays")

Regarding claim 8:

The rejection of claim 8 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references . Claim 8's further limitations are taught in *Cook et al*:

- instantiating a component from the table of components to interact with a student utilizing rule-based logic based on the presentation model (page 46, lines 8-12, "during access to... caught and rejected"; page 124, lines 2-12, "These named display... to generate displays")

Therefore, claim 8 is rejected under the same rationale as claim 1.

Regarding claim 9:

The rejection of claim 9 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references . Claim 9's further limitations are taught in *Cook et al*:

- instantiating a component from the table of components to present a time based simulation based on the presentation model (page 24, lines 7-25, "The corresponding

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event...the time elapsed"; page 109, Table 3; page 124, lines 2-12, "These named display...to generate displays")

Regarding claim 10:

Purcell, Jr. teaches,

- (a) a processor (Fig. 1, item 104)
- (b) a memory that stores information under the control of the processor (Fig. 1, item 116)
- (c) logic that presents information indicative of a goal in a spreadsheet format (Figs. 7, 15, 19, 22, 34, 46)
- (d) logic that analyzes the spreadsheet format and translates the information into a presentation model (Abstract, "Graphic analyses are...to what-if possibilities")
- (e) logic that integrates information that motivates accomplishment of the goal into the presentation model (column 24, lines 30-58, "One or more...load module integrity")
- (f) logic that manages information flow utilizing a table of components (column 11, lines 55-65, "Each spreadsheet page...numbers of cells")

However, *Purcell, Jr.* doesn't explicitly teach (c) logic that presents information indicative of a goal in a spreadsheet format, the goal being associated with a training objective of a student, the training objective corresponding to mirroring an actual work environment of the student or logic that evaluates progress toward the goal and provides feedback that further motivates accomplishment of the goal while *Cook et al* teaches,

- (a) a processor (page 29, lines 20-22, "A NC is...or the Internet")

- (b) a memory that stores information under the control of the processor (page 29, lines 20-22, "A NC is...or the Internet")
 - (g) logic that evaluates progress toward the goal and provides feedback that further motivates accomplishment of the goal (page 10, lines 24-31, "A further important ... student's pedagogic characteristics")
 - receiving information indicative of a goal, the goal being associated with a student in a specific task (Fig. 4)
 - integrating information that motivates accomplishment of the goal for use in a presentation (page 8, lines 1-15, "it accepts data...appropriate candidate behaviors")
- Rice et al* teaches,
- (c) the goal (column 2, lines 8-21, "Again, separate from ... body of information") being associated with a training objective of a student, the training objective corresponding to mirroring an actual work environment of the student (column 11, lines 50-60, "Referring to FIG. 15 ... and or exams")

Motivation – The portions of the claimed apparatus would have been a highly desirable feature in this art for individualizing student instruction (*Cook et al*, Abstract, sentence 1, "This invention relates...computer assisted instruction") and generating training materials which include tasks, performance objectives, learning objectives and test items (*Rice et al*, column 3, lines 36-39, "It is also ... and test items"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Purcell, Jr.* as taught by *Cook et al* and *Rice et al* for the purpose of individualizing student instruction as well as generating training materials.

Regarding claim 11:

The rejection of claim 11 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references . Claim 11's further limitations are taught in *Cook et al*:

- logic that instantiates a component from the table of components to measure progress toward the goal based on the presentation model (page 20, lines 15-23, "Teachers and administrators...even one student")

Regarding claim 12:

The rejection of claim 12 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references . Claim 12's further limitations are taught in *Cook et al*:

- logic that instantiates a component from the table of components to interrupt and interview a student to obtain information to measure progress toward the goal and determine appropriate feedback based on the presentation model (page 20, lines 4-12, "the student can...or remediation materials").

Regarding claim 13:

The rejection of claim 13 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references . Claim 13's further limitations are taught in *Cook et al*:

- logic that instantiates a component from the table of components to analyze progress and determine appropriate feedback based on the presentation model (page 124, lines 2-12, "These named display...to generate displays")

Regarding claim 14:

The rejection of claim 14 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references . Claim 14's further limitations are taught in *Cook et al*:

- logic that instantiates a component from the table of components to evaluate options and present appropriate feedback to assist a student to achieve the goal based on the presentation model (page 63, lines 1-16, "the ABI system...of task scheduling"; page 124, lines 2-12, "These named display...to generate displays")

Regarding claim 15:

The rejection of claim 15 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references . Claim 15's further limitations are taught in *Cook et al*:

- logic that instantiates a component from the table of components to simulate a business application based on the presentation model (page 12, lines 3-10, "An object of... computer-assisted instruction systems"; page 47, lines 22-34, "The ABI system... performance and utilization"; page 109, Table 3; page 124, lines 2-12, "These named display...to generate displays")

Regarding claim 16:

The rejection of claim 16 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references . Claim 16's further limitations are taught in *Cook et al*:

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- logic that instantiates a component from the table of components to interact with a quantitative analysis model to perform what-if analysis based on the presentation model (page 124, lines 2-12, "These named display... to generate displays")

Regarding claim 17:

The rejection of claim 17 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references . Claim 17's further limitations are taught in *Cook et al*:

- logic that instantiates a component from the table of components to present a time based simulation based on the presentation model (page 24, lines 7-25, "The corresponding event...the time elapsed"; page 109, Table 3; page 124, lines 2-12, "These named display... to generate displays")

Regarding claim 19:

The rejection of claim 19 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references . Claim 19's further limitations are taught in *Cook et al*:

- logic that instantiates a component from the table of components to interact with a student utilizing rule-based logic based on the presentation model (page 46, lines 8-12, "during access to... caught and rejected"; page 124, lines 2-12, "These named display... to generate displays")

Regarding claim 20:

The rejection of claim 20 is the same as that for claim 9 as recited above since the stated limitations of the claim are set forth in the references.

RESPONSE TO APPLICANTS' AMENDMENT REMARKS

Applicant's May 4, 2004, Information Disclosure Statement (IDS) and preliminary amendment to the title to read "A Goal Based System Utilizing a Spreadsheet and Table Based Architecture" (Amendment REMARKS page 5, paragraphs 2 and 4) are acknowledged.

Claim Rejections - 35 USC § 103

Applicant(s) argue(s) that United States Patent Number (USPN) 5,727,161 to *Purcell* in combination with W.I.P.O International Publication No. WO 97/44766 to *Cook et al* fail to teach or suggest feature of presenting information indicative of a goal in a spreadsheet format, the goal being associated with a training objective of a student, the training objective corresponding to mirroring an actual work environment of the student (Amendment REMARKS page 5, last paragraph and page 6, paragraph 1). Applicant's arguments have been fully considered but are moot in view of new grounds of rejection.

The examiner agrees that *Purcell* and *Cook et al* taken either individually or in combination do not disclose the computer-implemented method and apparatus of the inventions defined in claims 1-17 and 19-20. However, *Rice et al* USPN 5,788,504

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column 2, lines 8-21 and column 11, lines 50-60 are cited individually and in combination with *Purcell* Figs. 7, 15, 19, 22, 34, 46 for explicitly and inherently disclosing the subject matter set forth in the claims by the applicants: presenting information indicative of a goal in a spreadsheet format, the goal being associated with a training objective of a student, the training objective corresponding to mirroring an actual work environment of the student. Furthermore, column 3, lines 36-39 of *Rice et al* provides generating training materials which include tasks, performance objectives, learning objectives and test items as the purpose and motivation for modifying *Purcell*.

As set forth above with regards to *Purcell*, *Rice et al* and *Cook et al*, the items listed explicitly and inherently teach each element of the applicants' claimed limitations. Applicants have not set forth any distinction or offered any dispute between the claims of the subject application, *Purcell's* Method and apparatus for graphic analysis of variation of economic plans, *Rice et al's* Computerized training management system and *Cook et al's* AGENT BASED INSTRUCTION SYSTEM AND METHOD.

Conclusion

The following prior art made of record is considered pertinent to applicant's disclosure:

- *Hollingsworth*; USPN 6,157,808; Computerized employee certification and training system
- *Zand et al*; USPN 5,418,898; Multidimensional data display system and method
- *Cook et al*; USPN 5,727,950; Agent based instruction system and method

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- *Shreiner*; CAPTOR a model for delivering web based intelligent tutoring system technology; IEEE Proc. DASC; vol. 2; pp 5.C.4.1-5; 2000

Any inquiry concerning this communication or earlier communications from the Office should be directed to Melvin Bell whose telephone number is 571-272-3680. This Examiner can normally be reached on Mon - Fri 7:30 am - 4:00 pm.

If attempts to reach this Examiner by telephone are unsuccessful, his supervisor, Anthony Knight, can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MB/*qk*. *ns*.
March 11, 2005


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